# IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP2004/005547

International Filing Date : May 24, 2004

Priority Date(s) Claimed : June 16, 2003

Applicant(s) (DO/EO/US) : Timo HEINRICH et al.

Title: INDOLE DERIVATIVES AS SEROTONIN REUPTAKE INHIBITORS

### INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

## **Timing and Fees**

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		within three months of the filing date of a national application other than a CPA under § 1.53(d);
		within three months of the actual filing date of the national phase of a PCT application; OR
	$\boxtimes$	before the mailing of a first substantive office action (including after filing of an RCE).
		37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods led in 37 C.F.R. § 1.97(b), but before the mailing date of:
		a final rejection under 37 C.F.R. 1.113; termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR a notice of allowance under 37 C.F.R. § 1.311; and

		is acco	mpanied by:
			the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
			a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
			R. § 1.97(d), this information disclosure statement is filed after the mailing lowing actions which have not been withdrawn:
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		termin	ation of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
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			tement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of 00 under 37 C.F.R. § 1.17(p).
Staten	nents Ui	nder 37	C.F.R. 1.97(e)
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.
Cited	Materia	<u>ls</u>	
		ancest	s of materials listed but not attached were cited in benefit (35 U.S.C. § 120) or application Serial No, on Form 892 by the Examiner and/or Form by the applicant; see 37 C.F.R. § 1.98(d).
		_	s of materials listed but not attached were cited in an international search dated August 19, 2004.
		Not re	quired by 37 CFR § 1.98.
		Copies	s of the materials listed are attached (except for the foregoing).

Non-E	nglish I	Language References						
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		A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:						
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		T = document cited to understand the theory or principle underlying the invention						
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		In the search report, "Seite" means page, "Seiten" means pages, "Verbindungen der Formel" means Figure of formula, "Beispele" means examples, and "das ganze Dokument" means the entire document, "Spalte" means column, "Zeile" means line, "Abbildungen" means claims, "Anspruch" means example, "Zusammenfassung" means summary, and "Tabelle" means table, and "Tabellen" means tables "in der Anmeldung erwaehnt" means cited in the application, "Schema" means scheme, "und" means and, "Absatz" means break, "Abildung" means figure.						
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Respectfully submitted,

Anthony J. Zelang, Reg. No. 27,969

Attorney for Applicants

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Attorney Docket No.: MERCK-3099

Date: December 15, 2005

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U.S. PATENT DOCUMENTS								
Examiner Initials *	Cite No.1	U.S. Patent Docu	ment Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document  MM-DD-YYYY			
	1	5532241			July 2, 1996			
	2	6476035			November 5, 2002			
	3	5002948			March 26, 1991			
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ite No.¹	Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> ( <i>if known</i> )	Name of Patentee or Applicant of Cited Document		Where Relevant Passages or Relevant	
4	MO	0001001000		Cited Document	MM-DD-YYYY	Figures Appear	T <sup>®</sup>
	440	2004054972		Boettcher Henning	July 1, 2004		
5	EP	0648767		Merck Patent GmbH	April 19, 1995		Equv to cite 1
6	WO	9905140		Mikkelsen Ivan	February 4, 1999		Equv to cite 2
7	wo	02083666		Boettcher Henning	October 24, 2002		
8	EP	0376607		Lundbeck & CO AS H	July 4, 1990		Equv to cite 3
	6	6 WO 7 WO	6 WO 9905140 7 WO 02083666	6 WO 9905140 7 WO 02083666	6         WO         9905140         Mikkelsen Ivan           7         WO         02083666         Boettcher Henning	6         WO         9905140         Mikkelsen Ivan         February 4, 1999           7         WO         02083666         Boettcher Henning         October 24, 2002	6         WO         9905140         Mikkelsen Ivan         February 4, 1999           7         WO         02083666         Boettcher Henning         October 24, 2002

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			CLOSURE	Filing Date	May 24, 2005	
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	9	Hewitt, Nicola J. et al. "Studies comparing in vivo: in vitro metabolism of three pharmaceutical compounds in rats, dogs, monkeys, and humans 'by! Using cryopreserved hepatocytes, microsomes, and collagen-gel-immobilized hepatocytes cultures" DRUG METABOLISM AND DISPOSITION, 29(7), 1042-1050 CODEN: DMDSAI; ISSN: 0090-9556, 2001, XP002291527.	
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